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SUBJECT: HUMAN RIGHTS -- COUNTRY EVALUATION PLAN -- SOUTH AFRICA

REF: STATE 13916O

FOLLOWING IS INITIAL DRAFT OF COUNTRY EVALUATION PLAN FOR SOUTH AFRICA. REQUEST EMBASSY REVIEW DRAFT AND SUBMIT ANY COMMENTS AND PROPOSED CHANGES TO THE BUREAU BY JULY 7.

A. CONDITION OF HUMAN RIGHTS IN SOUTH AFRICA

1. SOUTH AFRICA'S SYSTEM OF MINORITY RULE BASED ON RACE NECESSARILY INVOLVES THE IMPOSITION
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OF CONSIDERABLE RESTRICTIONS ON HUMAN RIGHTS, PARTICULARLY OF BLACKS, BUT ALSO OF WHITES AS WELL. IN ESSENCE, THE SOUTH AFRICAN GOVERNMENT POSSESSES, AND CONSTANTLY EXERCISES, THE POWER TO IMPOSE ANY LIMITATIONS IT CONSIDERS NECESSARY ON ANY INDIVIDUAL IT CONSIDERS A THREAT TO THE ESTABLISHED

ORDER, WITHOUT ANY REFERENCE TO THE JUDICIAL SYSTEM. FOR EXAMPLE, THE WIDELY USED TERRORISM ACT (ENACTED IN 1967) PROVIDES FOR INDEFINITE DETENTION INCOMMUNICADO

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NOT ONLY OF PERSONS BELIEVED TO BE "TERRORISTS" AS DEFINED IN THE ACT, BUT OF PERSONS HAVING INFORMATION ABOUT SUCH "TERRORISM." IT SPECIFIES THAT INDIVIDUALS HAVING SUCH INFORMATION MAY BE ARRESTED WITHOUT A WARRANT AND THAT SUCH DETENTION IS BEYOND THE PURVIEW OF THE COURTS. THE INTERNAL SECURITY ACT OF 1976 EMPOWERS THE MINISTER OF JUSTICE TO IMPRISON WITHOUT TRIAL FOR UP TO A YEAR ANYONE WHOSE ACTIVITIES HE CONSIDERS DANGEROUS TO THE SECURITY OF THE STATE AND THE MAINTENANCE OF PUBLIC ORDER. IT ENABLES THE GOVERNMENT TO PREVENT PEOPLE ACCUSED OF VIOLATING SECURITY LAWS FROM BEING RELEASED ON BAIL, AND TO DETAIN MATERIAL WITNESSES IN SUCH CASES FOR UP TO SIX MONTHS.

IN MARCH 1977, NEARLY 4OO PEOPLE WERE BELIEVED TO BE IN DETENTION UNDER THIS AND OTHER LEGISLA-TION. AMONG THOSE DETAINED WITHIN THE PAST YEAR (MOST OF THEM NONWHITE) HAVE BEEN PROMINENT EDUCATORS, JOURNALISTS, ATTORNEYS AND RE-IGIOUS LEADERS. IT IS NOT UNUSUAL FOR AN INDIVIDUAL TO SPEND SIX MONTHS OR MORE IN DETENTION AND NEVER BE CHARGED WITH ANY CRIME.
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RECENTLY THERE HAVE BEEN A GROWING NUMBER OF REPORTS OF POLICE TORTURE OF DETAINEES. SINCE JANUARY 1976, 13 AFRICANS HAVE DIED WHILE IN DETENTION FOR POLITICAL REASONS. WHILE POLICE EXPLANATIONS OF THESE DEATHS AS SUICIDES OR ACCIDENTS HAVE NOT BEEN DISPROVED, THERE IS WIDESPREAD SKEPTICISM OF THESE EXPLANATIONS AND INCREASING PRESSURE FOR A FULL AND PUBLIC INVESTIGATION.

2. THE RIGHTS OF SOUTH AFRICANS WHO ARE NOT WHITE ARE SUBJECT TO PARTICULARLY HARSH RESTRICTIONS. ONE OF THE MOST PERVASIVE LIMITATIONS ON THE RIGHTS OF AFRICANS IS THE "INFLUX CONTROL" SYSTEM, WHICH REQUIRES AFRICANS RESIDING IN OR NEAR URBAN AREAS TO CARRY PASS BOOKS AT ALL TIMES. THE PASS BOOK

SPECIFIES THE ONE PLACE WHERE THE AFRICAN IS ALLOWED TO RESIDE AND TO WORK. IN ORDER TO ENSURE THAT AFRICANS NOT QUALIFIED TO REMAIN IN URBAN AREAS DO NOT DO SO, THE AUTHORITIES REQUIRE THAT EACH PASS BE CONSTANTLY UPDATED. AFRICANS

ARE FREQUENTLY STOPPED TO HAVE THEIR PASSES CHECKED, AND HUNDREDS OF THOUSANDS ARE ARRESTED EACH YEAR FOR VARIOUS INFRINGEMENTS OF THE PASS REQUIREMENTS.

TO PROTECT THE DISCRIMINATORY SYSTEM AGAINST

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THOSE IT ALIENATES, THE SOUTH AFRICAN GOVERNMENT
HAS CONSIDERED IT NECESSARY TO GO FURTHER AND PUT
RESTRICTIONS UPON THE CIVIL AND POLITICAL LIBERTIES
OF ITS CITIZENS OF ALL RACES. FOR EXAMPLE, THE
TERRORISM ACT DEFINES "TERRORISM" SO BROADLY AS TO
INCLUDE THE ENCOURAGEMENT OF "FEELINGS OF HOSTILITY
BETWEEN WHITE AND OTHER INHABITANTS OF THE REPUBLIC."
AN INDIVIDUAL WHOSE ACTIVITIES ARE DEEMED TO FALL
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INTO THIS CATEGORY IS SUBJECT TO THE DETENTION DESCRIBED
EARLIER.

STILL ANOTHER INFRINGEMENT ON HUMAN RIGHTS IS
THE SOUTH AFRICAN PRACTICE OF "BANNING," WHEREBY
RESTRICTIONS ARE PLACED ON A PERSON'S PHYSICAL
MOVEMENT AND HIS SOCIAL AND POLITICAL ACTIVITIES.
SUCH RESTRICTIONS, WHICH ARE IMPOSED WITHOUT TRIAL,
OFTEN INCLUDE A PROHIBITION AGAINST ATTENDING ANY
GATHERING OF MORE THAN TWO PERSONS, AND AGAINST
PUBLISHING OR BEING QUOTED IN THE MEDIA. BANNING
ORDERS ARE ISSUED UNDER THE SUPPRESSION OF COMMUNISM
ACT, PASSED IN 195O, WHICH EXTENDS THE DEFINITION OF
"COMMUNISM" TO INCLUDE ANY DOCTRINE OR SCHEME "WHICH
AIMS AT BRINGING ABOUT POLITICAL, INDUSTRIAL, SOCIAL,
OR ECONOMIC CHANGE WITHIN THE REPUBLIC BY THE
PROMOTION OF DISTRUBANCE OR DISORDER," TERMS BROAD
ENOUGH TO INCLUDE ANY SORT OF PEACEFUL PROTEST.

IN ADDITION TO THE RESTRICTIONS ON INTERNAL
TRAVEL CAUSED BY THE "INFLUX CONTROL" AND "BANNING"
POLICIES, THE GOVERNMENT OFTEN RESTRICTS THE
FOREIGN TRAVEL OF SOUTH AFRICANS WHO OPPOSE ITS
RACIAL POLICIES. THE PASSPORTS OF A NUMBER OF
INDIVIDUALS HAVE BEEN WITHDRAWN, IN SOME CASES AFTER
FOREIGN TRIPS DURING WHICH THE HOLDERS HAVE ENGAGED
IN ACTIVITIES OF WHICH THE GOVERNMENT DOES NOT
APPROVE.

SOUTH AFRICA HAS A PARLIAMENTARY FORM OF GOVERNMENT,
AND WHITE SOUTH AFRICANS THINK OF THEIR COUNTRY AS
A WESTERN DEMOCRACY. HOWEVER, THE PARLIAMENTARY
SYSTEM APPLIES ONLY TO THE 17 PERCENT OF THE
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POPULATION WHICH IS WHITE. THE PARLIAMENT INCLUDES
NO REPRESENTATIVES OF THE NON-WHITE MAJORITY.
THEIR PARTICIPATION IN THE NATIONAL GOVERNMENT IS
LIMITED TO CERTAIN CONSULTATIVE BODIES WHICH HAVE
NO REAL POWER AND WHICH EXIST AT THE PLEASURE OF

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THE WHITE GOVERNMENT. UNDER THE APARTHEID SYSTEM,
AFRICANS ARE TO BE REPRESENTED THROUGH THE HOMELAND
GOVERNMENTS. NOT ONLY IS THIS POLICY COMPLETELY
UNREALISTIC IN VIEW OF THE NUMBER OF AFRICANS LIVING
IN URBAN AREAS -- ULTIMATELY DEPRIVING THEM OF SOUTH
AFRICAN CITIZENSHIP -- BUT IT IS A POLICY IMPOSED
BY THE WHITE GOVERNMENT UPON THE AFRICAN POPULATION
WITHOUT CONSULTATION. IN SHORT, THE 83 PERCENT OF
THE POPULATION WHICH IS NOT WHITE HAS NO MEANINGFUL
PARTICIPATION IN THE POLITICAL PROCESS.

3. THE NEEDS OF THE WHITE MAJORITY FOR FOOD,
SHELTER, HEALTH AND EDUCATION ARE AMPLY MET.ALTHOUGH
THE GOVERNMENT DEVOTES SIGNIFICANT RESOURCES TO
MEET THESE NEEDS FOR THE NONWHITE MAJORITY, THE
STANDARDS ENJOYED BY THE MAJORITY ARE FAR INFERIOR
TO THOSE ENJOYED BY THE WHITE MINORITY. RURAL
AFRICANS ARE PARTICULARLY LACKING IN THESE ESSENTIALS.
THE GOVERNMENT'S APARTHEID POLICIES HAVE RESULTED
IN THE TRANSFER OF LARGE NUMBERS OF NON-WHITES
FROM AREAS DESIGNATED FOR WHITES TO THOSE DESIGNATED
FOR OTHER GROUPS. THIS IN TURN HAS RESULTED IN
EVEN POORER LIVING ACCOMMODATIONS FOR THE NON-
WHITES THAN WOULD OTHERWISE BE THE CASE. ALTHOUGH
EDUCATION OPPORTUNITIES FOR AFRICANS ARE SLOWLY
INCREASING, THEY ARE DOING SO WITHIN THE DISCRIMINATORY
FRAMEWORK OF BANTU EDUCATION, WHEREBY AFRICANS ARE
IN ESSENCE EDUCATED FOR THE PLACE IN SOCIETY
ASSIGNED THEM BY WHTIES. UNIVERSAL FREE, COMPULSORY
EDUCATION EXISTS ONLY FOR WHITES.
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4. THE RESTRICTIONS ON POLITICAL AND PERSONAL
LIBERTIES DESCRIBED EARLIER ARE A DIRECT RESULT OF
THE GOVERNMENT'S RACIAL POLICIES WHICH AIM AT
MAINTAINING SEPARATE DEVELOPMENT OF THE RACES
UNDER WHITE DOMINATION. EACH RESTRICTION IS BASED
ON SPECIFIC-GOVERNMENT LEGISLATION. THE GOVERNMENT
DEFENDS ITS LEGISLATED SEGREGATION AND DISCRIMINATION
AS NECESSARY FOR THE PRESERVATION OF THE "MULTINATIONAL"
CHARACTER OF SOUTH AFRICA AND FOR THE SURVIVAL OF
WHITE IDENTITY. IT DEFENDS ITS LEGISLATIVE RESTRICTIONS

ON PERSONAL AND POLITICAL LIBERTY AS NECESSARY TO
FORESTALL COMMUNIST ATTEMPTS TO SUBVERT THE SOUTH
AFRICAN SYSTEM.

5. THE GOVERNMENT HAS CONSIDERED SUGGESTIONS
OF OUTSIDE INVESTIGATION OF ALLEGED HUMAN RIGHTS VIOLATIONS
AS INTERFERENCE IN SOUTH AFRICA'S INTERNAL AFFAIRS
AND HAS GENERALLY REJECTED PROPOSALS FOR SUCH
INQUIRIES.

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B. ANALYSIS AND RECOMMENDATIONS

1. DURING HIS MEETING IN MAY WITH SOUTH AFRICAN PRIME MINISTER VORSTER, VICE PRESIDENT MONDALE MADE CLEAR THE US POSITION THAT RACIAL DISCRIMINATION MUST BE ABOLISHED IN SOUTH AFRICA AND FULL POLITICAL PARTICIPATION EXTENDED TO ALL SOUTH AFRICANS REGARDLESS OF RACE. HE SAID THAT IF MEANINGFUL PROGRESS WERE NOT FORTHCOMING IN THIS DIRECTION, US-SOUTH AFRICAN RELATIONS WOULD INEVITABLY DETERIORATE. THE UNITED STATES GOVERNMENT
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IS CURRENTLY REVIEWING POSSIBLE SPECIFIC ACTIONS WHICH MIGHT BE TAKEN IF IT APPEARS THAT SIGNIFICANT CHANGE IS NOT FORTHCOMING. SUCH ACTIONS COULD INCLUDE STRONGER PUBLIC USG CONDEMNATION OF SOUTH AFRICAN POLICIES; TIGHTENING OF OUR ARMS EMBARGO POLICY; WITHDRAWAL OF MILITARY ATTACHES AND/OR OTHER REDUCTIONS IN THE SIZE OF THE US MISSION; AND AN END TO NUCLEAR COOPERATION. POSSIBLE ECONOMIC ACTIONS WOULD INCLUDE DENIAL OF ALL EX-IM BANK FACILITIES; WITHDRAWAL OF COMMERCIAL ATTACHES AND ENDING OF ALL TRADE PROMOTION ACTIVITIES; ADOPTION OF A POLICY OF OFFICIALLY DISCOURAGING NEW INVESTMENT; DISCOURAGEMENT OF LONG-TERM BANK LOANS; AND CHANGES IN OUR TAX POLICY TO DISCOURAGE OR PROHIBIT NEW INVESTMENT. THE EXAMINATION OF THESE AND OTHER POSSIBLE STEPS IS CONTINUING.

2-3. THE SOUTH AFRICAN GOVERNMENT'S REACTION TO THE NEW US POLICY TOWARD SOUTH AFRICA AS SPELLED OUT IN THE MONDALE-VORSTER TALKS HAS BEEN STRONGLY NEGATIVE. THE SAG HAS IN FACT GONE BEYOND REJECTING THE US POSITION AND IS CONDUCTING A CAMPAIGN OF DELIBERATE DISTORTION TO CONVINCE BOTH THE SOUTH AFRICANS AND AMERICAN PUBLIC THAT THE US IS INSISTING UPON IMMEDIATE MAJORITY RULE IN A UNITARY STATE, WHICH THE SAG SAYS WOULD AMOUNT TO WHITE SUICIDE. THIS SAG LINE HAS FOUND SOME ACCEPTANCE, EVEN AMONG

SOME MEMBERS OF THE WHITE OPPOSITION WHO OPPOSE THE GOVERNMENT'S RACE POLICY. SOME ELEMENTS OF THE OPPOSITION AND PRESS, HOWEVER, SUPPORT THE US POSITION AS DO MANY PROMINENT MEMBERS OF THE NON-WHITE COMMUNITY WHO ARE GRATIFIED BY WHAT THEY SEE AS A MORE FORTHRIGHT US STANCE TOWARD SOUTH AFRICA. SINCE ONLY A MONTH HAS PASSED SINCE THE MONDALE-VORSTER MEETING, IT IS STILL TOO EARLY TO KNOW
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WHAT THE RESULTS WILL BE IN TERMS OF A CHANGE IN
THE SOUTH AFRICAN GOVERNMENT'S ATTITUDES AND POLICIES.
HOWEVER, ONE PROPOSAL BY EDUCATION AND SPORTS
MINISTER KOORNHOF FOR GREATER NON-WHITE INVOLVEMENT
IN GOVERNMENT APPEARS TO HAVE BEEN REJECTED BY THE
GOVERNMENT EVEN THOUGH IT FELL CONSIDERABLY SHORT
OF THE OBJECTIVES STATED BY VICE PRESIDENT MONDALE.

4. IN DECIDING ON ACTION WHICH MIGHT BE TAKEN
AGAINST SOUTH AFRICA FOR ITS HUMAN RIGHTS POLICIES,
THE UNITED STATES GOVERNMENT WILL OF COURSE TAKE
INTO ACCOUNT OTHER US INTERESTS, POLITICAL, ECONOMIC
AND STRATEGIC,IN SOUTH AFRICA. IT SHOULD BE
NOTED, HOWEVER, THAT THESE INTERESTS ARE NOT
NECESSARILY IN CONFLICT WITH OUR HUMAN RIGHTS
GOALS. PROMINENT AMONG OUR POLITICAL INTERESTS,
FOR EXAMPLE, IS THE NECESSITY OF GOOD RELATIONS
WITH BLACK AFRICA. US ACTION AGAINST SOUTH AFRICA
OVER THE QUESTION OF HUMAN RIGHTS CAN ONLY SERVE
TO IMPROVE THESE RELATIONS. OTHER US INTERESTS,
E.G., AIRCRAFT LANDING RIGHTS IN SOUTH AFRICA, US
INVESTMENT THERE, AND THE SUPPLY TO THE US OF
STRATEGIC MINERALS, MAY AT FIRST GLANCE APPEAR TO
CONFLICT WITH A STRONG US POSITION AGAINST SOUTH
AFRICAN HUMAN RIGHTS POLICIES. IN THE LONG-RUN,
HOWEVER, FURTHERANCE OF OUR HUMAN RIGHTS POLICY IS
COMPATIBLE WITH THE PROTECTION OF THESE INTERESTS,
SINCE THEY ALL STAND TO BE THREATENED BY A CONTINUED
WORSENING IN SOUTH AFRICA'S INTERNAL SITUATION. CHRISTOPHER

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